

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	ORDER FOR TRANSPORT
)	
vs.)	
)	
Ellery Agard,)	
)	Case No. 1:07-cr-86
Defendant.)	

A petition for revocation of defendant's supervised release was filed on March 18, 2010. The court has been advised that defendant is presently in State custody but is scheduled to be released to the custody of the United States Marshal on July 19, 2010.

On July 15, 2010, Judge Hovland issued an order modifying the conditions of defendant's supervision. Specifically, he ordered that, in lieu of further revocation proceedings, defendant is to reside at the Southwest Multi-County Correction Center (SWMCC) in Dickinson, North Dakota, for a period not to exceed 10 months. It is the court's understanding that the government intends to dismiss the petition for revocation of defendant's supervision once he arrives at SWMCC.

Given these circumstances, the court is not inclined to require defendant to make an appearance on the petition for revocation of his supervision. Rather, the court **ORDERS** the United States Marshal, upon taking custody of defendant, to transport him to SWMCC.

Dated this 15th day of July, 2010.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge